

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

SPORTBOX, LLC and  
WILLIAM V. FRABIZIO III,

Plaintiffs,

v.

ELECTRIC-SPORTS, INC., JOHN E.  
CONWAY, and MARK BORTMAN,

Defendant.

CIVIL ACTION No. 04-CV-12588 DPW

**MOTION TO EXTEND THE TIME FOR  
DEFENDANTS TO ANSWER THE COMPLAINT**

Defendants Electric Sports, Inc. and Messrs. John E. Conway and Mark Bortman (collectively, "Defendants") hereby submit this motion to extend the time for Defendants to file an Answer to the Complaint in this matter. The requested extension is for approximately two weeks, from December 30, 2004 to January 14, 2005.

In support of their motion, Defendants state Defendants served Plaintiffs with a demand letter pursuant to Fed. R. Civ. P. 11 requesting that the Plaintiffs withdraw each claim asserted in the Complaint. Rule 11 does not require the Plaintiffs to respond to this letter until January 11, 2005. In addition, Defendants have reached out to initiate settlement discussions and are awaiting Plaintiffs' response, which has been promised by Plaintiffs. In consequence, the requested extension will allow the parties to resolve whether the lawsuit will proceed, and upon which particular legal claims it will proceed, before Defendants' response becomes necessary.

ELECTRIC SPORTS, INC., JOHN E. CONWAY,  
and MARK BORTMAN,

By their attorneys,

/s/ Gabriel M. Helmer

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Dated: December 21, 2004

#### **LOCAL RULE 7.1 CERTIFICATION**

The undersigned counsel for the plaintiffs hereby certifies that counsel for defendants attempted in good faith to confer on this motion with plaintiffs SPORTBOX, LLC and WILLIAM V. FRABIZIO III by telephone on two occasions on December 21, 2004, but was unsuccessful in reaching the plaintiffs and plaintiffs failed to return counsel's communications.

/s/ Gabriel M. Helmer

#### **CERTIFICATE OF SERVICE**

I hereby certify that on the 21st day of December, 2004, I caused a true copy of the above document to be served upon plaintiffs SPORTBOX, LLC and WILLIAM V. FRABIZIO III by mail.

/s/ Gabriel M. Helmer